

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 4  
FOR THE REGULAR MEETING OF  
TUESDAY, MAY 24, 2005 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**ORDINANCE TO BE INTRODUCED AND ADOPTED:**

ITEM-S506: Calling the Special Municipal Election for July 26, 2005, as an All Mail Ballot Election.

(See City Clerk Report No. 05-04.)

**CITY CLERK’S RECOMMENDATION:**

Introduce and adopt the following ordinance:

(O-2005-140)

Introduction and adoption of an Ordinance establishing that the Special Municipal Election to be held on July 26, 2005, for the purpose of filling the mayoral vacancy and submitting to the qualified voters of the City one ballot proposition shall be conducted by mail.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTIONS:**

ITEM-S507: Waiver of Attorney-Client Privilege and Work-Product Doctrine with Respect to a Report From Luce, Forward, Hamilton & Scripps Concerning Pension Benefits.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1194)

Declaring that the protections of the Attorney-Client Privilege and the Work Product Doctrine are waived as to the report prepared for the City by the law firm Luce, Forward, Hamilton & Scripps relating to certain pension benefits for the purpose of providing such documents to the San Diego County District Attorney.

**SUPPORTING INFORMATION:**

From time to time the City Council has waived the Attorney-Client privilege and the protection of the Attorney Work-Product Doctrine with respect to certain materials in order to respond to subpoenas or requests for documents from agencies investigating the financial affairs of the City. These agencies have in the past included the Securities and Exchange Commission and the U.S. Attorney's Office. Recently, the San Diego County District Attorney announced that her Office was conducting an investigation into these matters. The District Attorney's Office has requested the production of a report prepared for the City by the law firm Luce, Forward, Hamilton & Scripps relating to certain pension benefits. The report is otherwise subject to the Attorney-Client privilege and the protection of the Attorney Work-Product Doctrine, and could not be released to a third-party entity such as the District Attorney's Office without the City Council waiving those protections. Consistent with the treatment of similar requests in this matter, the City Attorney is recommending that the City Council waive the applicable privileges so that the information may be provided to the District Attorney.

Aguirre